

No. 86-98

IN THE

Supreme Court, U.S.

FILED

DEC 31 1986

JOSEPH F. SPANIOL, JR.  
CLERK

# Supreme Court of the United States

October Term, 1986

GREGORY L. RIVERA,

*Appellant,*

vs.

JEAN MARIE MINNICH,

*Appellee.*

ON APPEAL FROM THE SUPREME COURT OF PENNSYLVANIA.

## JOINT APPENDIX

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APPEAL DOCKETED JULY 18, 1986  
JURISDICTION NOTED NOVEMBER 17, 1986

1888

## TABLE OF CONTENTS.

	Page
Docket Entries—Lancaster County, Court of Common Pleas .....	1
Complaint .....	4
Notice of Right to Trial on Issue of Paternity.....	6
Petition for H.L.A. Blood Tests and Order .....	8
Pre-Trial Motion <i>re</i> Burden of Proof. See Jurisdictional Statement, Appendix "D". Referred to at.....	12
Trial Transcript Containing Initial Ruling on Burden of Proof.....	13
Verdict .....	14
Motion for New Trial. See Jurisdictional Statement, Appendix "E". Referred to at .....	16
Trial Court Opinion. See Jurisdictional Statement, Appendix "B". Referred to at .....	16
Pennsylvania Supreme Court Opinion. See Jurisdictional Statement, Appendix "C". Referred to at.....	16

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**ON APPEAL FROM THE SUPREME COURT OF PENNSYLVANIA.**

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**JOINT APPENDIX**

**Docket Entries—Lancaster County,  
Court of Common Pleas**

State of Pennsylvania, }  
County of Lancaster, } ss.:

RECORD FILED IN  
SUPREME COURT  
JAN 21 1985  
EASTERN DISTRICT

AMONG THE RECORDS entered in the Court of Common Pleas in and for the County of Lancaster, in the Commonwealth of Pennsylvania, to Jean Marie Minnich v. Gregory L. Rivera Term, 1983 No. 1425 is contained the following:

*Docket Entries—Lancaster County, Court  
of Common Pleas.*

**DOCKET - ENTRIES:**

1. June 17, 1983: Complaint (2 pages)
2. August 28, 1983: Notice of Right to Trial on Issue of Paternity and Demand for Jury Trial (1 page)
3. October 21, 1983: Petition for H.L.A. Blood Tests and Order (3 pages)
4. April 4, 1984: Order granting Defendant's request for jury trial and directing case be listed for trial (2 pages)
5. April 6, 1984: Order scheduling pretrial conference (1 page)
6. April 9, 1984: Defendant's Pre-Trial Memorandum (2 pages)
7. April 9, 1984: Plaintiff's Pre-Trial Memorandum (6 pages)
8. April 13, 1984: Certification Order (2 pages)
9. April 13, 1984: Defendant's Supplemental Pre-Trial Memorandum
10. April 13, 1984: Defendant's Motion for Discovery of Court Record and Rule (4 pages)
11. April 13, 1984: Defendant's Motion and Rule (3 pages)
12. April 16, 1984: Plaintiff's Petition and Order (3 pages)
13. April 18, 1984: Defendant's Brief in Support of Defendant's Motion Re: Burden of Proof (8 pages)
14. April 19, 1984: Plaintiff's Memorandum of Law (2 pages)

*Docket Entries—Lancaster County, Court  
of Common Pleas.*

15. April 19, 1984: Plaintiff's Answer to Defendant's Motion for Discovery (2 pages)
16. April 19, 1984: Order granting Defendant's Motion for Discovery (2 pages)
17. April 24, 1984: Verdict (2 pages)
18. May 3, 1984: Defendant's Motion for New Trial (4 pages)
19. May 7, 1984: Order to transcribe transcript of trial (3 pages)
20. May 31, 1984: Plaintiff's Petition to Proceed In Forma Pauperis (4 pages)
21. June 22, 1984: Transcript of Proceedings—Paternity Jury Trial (90 pages)
22. August 24, 1984: Defendant's Brief in Support of Motion for New Trial (19 pages)
23. September 11, 1984: Plaintiff's Brief (8 pages)
24. October 19, 1984: Opinion and Order (11 pages)
25. October 23, 1984: Plaintiff's Notice of Appeal and Proof of Service (5 pages)
26. November 13, 1984: Order granting Petition to Proceed In Forma Pauperis (5 pages)

**Complaint**

IN THE COURT OF COMMON PLEAS  
of Lancaster County, Pennsylvania  
Domestic Relations Section

\_\_\_\_\_  
Civil Action-Support  
No. 1435 of 1983  
\_\_\_\_\_

RECORD FILED IN  
SUPREME COURT  
JAN 21 1985  
EASTERN DISTRICT

JEAN M. MINNICH,

*Plaintiff*

vs.

PETE RIVERA,

*Defendant*

**COMPLAINT**

HONORABLE, THE JUDGES OF SAID COURT:

1. The Plaintiff is Jean M. Minnich, 1019 Barber Street, Columbia, Pennsylvania.
2. The Defendant is Pete Rivera, 414 Beaver Street, Lancaster, Pennsylvania.
3. The Plaintiff and the Defendant were never married.
4. The Plaintiff and the Defendant are the parents of the dependent children born out of wedlock:

Cory Michael Minnich age 2 wks. born May 28, 1983

The child reside at 1019 Barber Street, Columbia, Penna. 17512.

**Complaint.**

5. The Defendant has failed to provide adequate support for Cory Michael Minnich since \_\_\_\_\_. 19\_\_\_\_.

6. The Plaintiff is receiving Public Assistance in the amount of \$181.00 per month for the support of 1.

7. The Defendant may be identified by the following: Puerto Rican, 5'4", \_\_\_\_ lbs., brown eyes, Black hair, \_\_\_\_ years of age, DOB \_\_\_\_/\_\_\_\_/\_\_\_\_, Social Security #\_\_\_\_\_.

WHEREFORE, Plaintiff requests that an order be entered against Defendant and in favor of the Plaintiff and the aforementioned child (ren) for reasonable support.

I verify that the statement made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

JEAN MINNICH  
Jean Minnich  
Plaintiff

Date 6-17-83

**Notice of Right to Trial on Issue of Paternity**

IN THE COURT OF COMMON PLEAS  
of Lancaster County  
Domestic Relations Section

RECORD FILED IN  
SUPREME COURT  
JAN 21 1985  
Case No. 831435 EASTERN DISTRICT

JEAN MARIE MINNICH,

*Plaintiff.*

vs.

GREGORY L. RIVERA,

*Defendant.*

**NOTICE OF RIGHT TO TRIAL ON  
ISSUE OF PATERNITY**

The defendant has not acknowledged paternity of the child, namely, Cory Michael Minnich born on 5/28/83 in Lancaster, Pa. to Jean Marie Minnich.

The parties are hereby advised of their respective rights to (1) a trial on the issue of paternity and (2) an attorney to represent them on the issue of paternity and in any support proceedings. I understand that if I am unable to afford an attorney one will be appointed free of charge.

The trial shall be without jury unless either party demands a trial by jury in writing within ten days from

**Notice of Right to Trial on Issue of Paternity.**

the date of this notice on the DEMAND FOR JURY TRIAL below.

FRAN GANSE  
Domestic Relations Officer

Date 8/28/83

I acknowledge receipt of a copy of this notice as of this date August 28, 1983.

JEAN MINNICH  
Jean Marie Minnich  
*Plaintiff*  
GREGORY L. RIVERA  
Gregory L. Rivera  
*Defendant*

**DEMAND FOR JURY TRIAL**

I hereby demand a trial by jury on the issue of paternity.

GREGORY L. RIVERA  
Gregory L. Rivera

Date 8/28/83

**Petition for H.L.A. Blood Tests and Order**

IN THE COURT OF COMMON PLEAS  
of Lancaster County, Pennsylvania  
Domestic Relations Section

No. 1435-83

Action for Support

JEAN MARIE MINNICH,

*Petitioner.*

GREGORY L. (PETE) RIVERA,  
S.S. #182-46-7641,

*Respondent.*

**PETITION FOR H.L.A. BLOOD TESTS**

TO THE HONORABLE, THE JUDGES OF SAID  
COURT:

AND NOW, this 21st day of October, 1983 the Office  
of the District Attorney by James R. McManus, III,  
Assistant District Attorney, for Jean Marie Minnich,  
Petitioner, respectfully represents that:

1. The Petitioner is Jean Marie Minnich of 1019  
Barber St., Columbia, Pa. 17512.
2. The Respondent is Gregory L. (Pete) Rivera of 414  
Beaver Street, Lancaster, Pa.
3. The Petitioner filed a Complaint in Support of her  
child, Cory Michael Minnich on June 17, 1983 against  
the Respondent.

***Petition for H.L.A. Blood Tests and Order.***

4. Petitioner is a poor person whose income is limited to monthly grants from the Department of Public Assistance.
5. Petitioner is a 15 years of age female who supports herself and her child.
6. The Respondent denies that he is the father of Cory Michael Minnich.
7. The Petitioner believes that the H.L.A. blood tests will conclusively establish whether the Respondent is the father of Cory Michael Minnich.

WHEREFORE, the Petitioner respectfully requests Your Honorable Court to order that the H.L.A. tests be administered to all parties in this matter.

Respectfully submitted,

OFFICE OF THE  
DISTRICT ATTORNEY  
By: JAMES R. McMANUS, III  
James R. McManus, III  
Assistant District Attorney

*Petition for H.L.A. Blood Tests and Order.*

Commonwealth of Pennsylvania }  
 County of Lancaster } ss:

I, James R. McManus, III, Assistant District Attorney, being duly affirmed according to law, depose and say that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge information, and belief.

JAMES R. McMANUS, III  
 James R. McManus, III  
 Assistant District Attorney

Affirmed and subscribed before me this 21st day of October 1983.

DIANE M. FRALICH  
 Diane M. Fralich, Notary Public  
 Lancaster, Lancaster Co., PA  
 My Commission Expires Feb. 18, 1985

*Petition for H.L.A. Blood Tests and Order.*

ORDER. RECORD FILED IN  
 (Same Title.) SUPREME COURT  
 JAN 21 1985  
 EASTERN DISTRICT

AND NOW, this 21st day of October, 1983 upon consideration of the foregoing Petition and upon Motion of James R. McManus, III, Assistant District Attorney for Lancaster County, IT IS ORDERED AND DECREED that the child, Cory Michael Minnich, the plaintiff, Jean Marie Minnich, and the Defendant, Gregory L. (Pete) Rivera, submit themselves at 1:30 o'clock P.M. on Monday, October 31, 1983, to Room 301, Third Floor, Lancaster County Courthouse, Lancaster, Pennsylvania, for H.L.A. blood tests to determine paternity as authorized by the Act of July 13, 1961, P.L. 587 as amended July 9, 1976, P.L. 586 No. 142 *et seq.*, 42 Pa. C.S.A. §6131 *et seq.* Said tests shall be performed in accordance with the procedures established by the Court, costs on the county pending results of the tests. Copies of the test results shall be forwarded to the Office of the District Attorney and to the Defendant or to Defendant's counsel.

BY THE COURT:

(ILLEGIBLE)  
 J.

ATTEST:  
 Dorothea S. Bryson

**Pre-Trial Motion re Burden of Proof**  
See Jurisdictional Statement, Appendix "D".

**Trial Transcript Containing Initial Ruling  
on Burden of Proof**

[69] Lancaster County Court Of Common Pleas  
rebuttal.

THE COURT: All right. Members of the jury, this in the point in the trial where all the evidence is in so we are just going to proceed right ahead with the closing arguments of counsel and I will charge you and then you will begin your deliberations as soon as all of that is completed.

May I see counsel one minute so I can advise you?

(The following discussion was held at sidebar.)

*The Court: The first point that I'm going to rule on, there had been an outstanding request by Defendant's counsel on a question of what the Court will charge as to the burden of proof and the Court is going to stand by the statutory burden of proof as set forth in Section 6704 of Title 42, Pennsylvania Consolidated Statutes relating to preponderance of the evidence.*

The Court will, in advance, grant your first point for charge and refuse your second point of Defendant's.

Mr. Campbell: And the third point for charge is?

**Verdict**

IN THE COURT OF COMMON PLEAS  
of Lancaster County, Pennsylvania  
Domestic Relations Section

RECORD FILED IN  
SUPREME COURT  
JAN 21 1985  
No. 1435-83 EASTERN DISTRICT

JEAN MARIE MINNICH,  
vs.  
GREGORY L. RIVERA.

**VERDICT**

We find in favor of Jean Marie Minnich, Plaintiff, and against Gregory L. Rivera, Defendant, and find that Defendant is the father of Cory Michael Minnich.

— We find in favor of Gregory L. Rivera, Defendant, and against Jean Marie Minnich, Plaintiff.

Larry E. Gwalt  
Karen J. Stoltzfus  
Gladys J. Kissinger  
Lloyd B. Denlinger  
Sarah E. Rounseberger  
Estelle B. Yeager

**Verdict.**

President A. D. Dickey  
Elizabeth Q. Flynn  
Mary Macmillan  
Carol A. Suyer  
Arch Belle Slawer  
Sandra Simone

Paul A. Mueller, Jr. - Judge  
Brenda Hamilton - Court Reporter

*Motion for New Trial.*

*Trial Court Opinion.*

*Pennsylvania Supreme Court Opinion.*

**Motion for New Trial**

See Jurisdictional Statement, Appendix "E".

**Trial Court Opinion**

See Jurisdictional Statement, Appendix "B".

**Pennsylvania Supreme Court Opinion**

See Jurisdictional Statement, Appendix "C".